REMARKS

Claims 54, 56, 60-64, 72, 73, 76, 77 and 79-89 are pending. Claims 1-53, 55, 57-59, 65-71, 74, 75 and 78 have been canceled, claims 54, 77, 79 and 82 has been amended, new claims 87-89 added and the following remarks presented.

Claims 77-80 were rejected under 35 USC 112, second paragraph, as being indefinite in the recitation "the tumor epitope" in part (iv) as lacking antecedent basis. Claim 77 has been amended to substitute language with antecedent basis.

Claims 54, 56, 60-64, 66, 67, 69, 72, 73, 76 and 81-86 were rejected under 35 USC 112, second paragraph, as being indefinite in the recitation "useful as a tumor-specific vaccine". The examiner asserts the language may mean "a polynucleotide useful as a tumor-specific vaccine for any tumor or a polynucleotide useful as a tumor-specific vaccine for a B-cell lymphoma tumor."

Neither interpretation is correct. Claims 54 and 77 both recite "...antigen useful as a tumor-specific vaccine..." It is the antigen (a polypeptide) that is useful as a tumor-specific vaccine. The polynucleotide is not used as a vaccine in the presently claimed invention. This contrasts with some of the prior art where certain polynucleotides are used as vaccines.

If the examiner's concerns are with the type of tumor being treated, the claims are also clear as the vaccine is "tumor-specific" which also defines the tumor being treated by the vaccine.

Claims 54, 56, 60-64, 66, 72, 73, 76 and 81-86 were rejected under 35 USC 103(a) as being unpatentable over Casper et al in view of Fiedler et al and Shepherd et al.

While applicants do not agree with the rejection, independent claims 54, 77 and 82 have been amended to include the recitations of claims 69 and 78. Claims 69 and 78 recite features of the linker and were not rejected over prior art. Therefore this rejection is moot.

Claims 67 and 77 were rejected under 35 USC 103(a) as being unpatentable over Casper et al in view of Fiedler et al and Shepherd et al in further view of Tang et al.

While applicants do not agree with the rejection, independent claims 54, 77 and 82 have been amended to include the recitations of claims 69 and 78. Claims 69 and 78 recite features of

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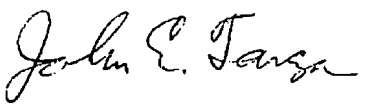
the linker and were not rejected over this combination of references also. Therefore this rejection is moot.

As a separate issue, new claims 87-89 have been added which recite that the polynucleotide is operably linked to a signal sequence that directs newly synthesized protein to a secretory pathway of the plant and that the polypeptide obtainable from said plant cell is secreted from the plant cell. None of the references suggest a polynucleotide, which also directs secretion from a plant cell. The requirements for the polypeptide to be processed by the secretory pathway and secreted outside of a plant cell are different and, in the context of the present invention, unobvious from simply being expressed inside a cell.

In view of the amendments and comments above, the rejections have been overcome. Reconsideration, withdrawal of the rejections and early indication of allowance are respectfully requested. If any issues remain, the examiner is encouraged to telephone the undersigned.

If needed, applicants petition for an extension of time under the provisions of 37 CFR 1.136(a) for sufficient time to accept this response. The commissioner hereby is authorized to charge payment of any fees under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No. 500933.

Respectfully submitted,



Date: April 6, 2006

John E. Tarcza
Reg. No. 33,638

Attachment: Petition for a three-month extension of time

John E. Tarcza
Intellectual Property Advisor
Large Scale Biology Corporation
3333 Vaca Valley Parkway, Suite 1000
Vacaville, CA 95688
301-371-7740 tel.
301-371-7745 Fax.
E-MAIL john.tarcza@lsbc.com

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